

**BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA**

INQUIRY CONCERNING A JUDGE, NO. 08-373

NOTICE OF FORMAL CHARGES

TO: Honorable Peter A. Bell
Charlotte County Justice Center
350 E. Marion Avenue
Punta Gorda, FL 33950

YOU ARE HEREBY NOTIFIED that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of the majority of its members, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission and Article V, Section 12(b) of the Constitution of the State of Florida, finds that probable cause exists for formal proceedings to be instituted against you. Probable cause exists on the following formal charges:

1. That on March 14, 2008, while sitting as a county judge for Charlotte County, Florida, a former husband appeared before you as a defendant in *State of Florida vs. John Doe*, Charlotte County Case #08-XXX-M, upon a charge of Domestic Violence Battery.¹

¹ This case has now been expunged; however s.943.0585, F.S. seems to exempt acts of domestic violence as an enumerated offence in s. 907.041, F.S..

2. Upon reading the probable cause affidavit, you found that probable cause existed for Domestic Battery. This determination was made based upon the Probable Cause Affidavit executed by Charlotte County Deputy Sheriff Liborio Rivera. Deputy Rivera was the law enforcement officer dispatched to the home of the former wife.
3. Deputy Rivera's affidavit revealed that he had interviewed the defendant, the former wife, and their two minor children. The affidavit further revealed that based upon his interviews, the injuries inflicted on her, and from the situs of the incident, that the defendant was the primary aggressor.
4. Despite that finding, and in absence of a complaint from John Doe, the Charlotte County Sheriff's Office, or the State Attorney's Office, you *sua sponte* ordered the arrest of former wife.
5. The former wife, who was in court as a victim of domestic violence along with her children and with the Court Mediator, was taken into custody by your order.
6. As a result of your actions, the former wife was arrested and incarcerated overnight upon a charge that law enforcement had previously determined was not justified under the circumstances. By doing so you usurped the role of the State Attorney's Office and altered public documents to effect your decision.

These acts, if they occurred as alleged, violated the Code of Judicial Conduct as follows: Canon 1 (a judge shall not act so as to impair the confidence of the citizens of the state in the integrity of the judicial system); Canon 2A (a judge shall act at all times in a manner that promotes public confidence in the integrity of the judiciary); 3B(1) (a

judge hear and decide matters assigned to the judge); and 3B(2) (a judge shall be faithful to the law and maintain professional competence in it).

The foregoing conduct, if proven as alleged, would constitute conduct unbecoming a member of the judiciary; would demonstrate your unfitness to hold the office of judge; and would warrant discipline, including but not limited to reprimand, fine, suspension with or without pay, lawyer discipline or your removal from your judicial office.

You are hereby notified of your right to file a written answer to these charges within twenty (20) days of service of this notice upon you. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court's requirements. Copies of your response should be served on the undersigned General Counsel for the Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303, and John R. Beranek, Counsel for the Hearing Panel, Post Office Box 391, Tallahassee, FL 32302.

JUDICIAL QUALIFICATIONS COMMISSION

By: Michael L. Schneider
General Counsel
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Investigation has been furnished by U.S. Mail to LaTour Lafferty, counsel for the Honorable Peter A. Bell, 501 E. Kennedy Blvd., Suite 1700, Tampa, Florida 33602, this ____ day of April, 2009.

Michael L. Schneider
General Counsel